

Senator Baker moved that the Senate after a recess of ten minutes go into Executive session. Carried.

So the Senate at 12 M. took a recess for ten minutes.

IN SENATE.

On motion of Senator Baker the Secretary was instructed to inform his Excellency, the Governor, that the Senate advised and consented to the confirmation of E. B. Turner, as Judge of the Thirty-second Judicial District.

On motion of Senator Gaines the Senate at 12:15 P. M. adjourned to 10½ A. M. to-morrow.

TWENTY-FIRST DAY.

SENATE CHAMBER.

AUSTIN, TEXAS, Tuesday, Oct. 10, 1871. }

Senate met pursuant to adjournment. President Campbell presiding. Roll called. Quorum present.

Absent—Senators Fountain, Mills, Saylor and Tendick.

Absent, excused—Senators Roll, Hall and Pickett.

Prayer by the Rev. Mr. Dodge.

Pending the reading of the journal of yesterday, a special message from the Governor, by his Private Secretary, Mr. F. P. Britton, was announced as follows :

GOVERNOR'S OFFICE. }

Austin, Oct. 10, 1871. }

To the Honorable Senate and House of Representatives of the State of Texas :

GENTLEMEN: I have the honor to transmit herewith copies of proclamation issued by me October 9, declaring martial law in the counties of Limestone and Freestone.

Very respectfully,

EDMUND J. DAVIS, Governor.

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS.

TO ALL TO WHOM THESE PRESENTS SHALL COME.

WHEREAS, It has been officially made known to me, and the official reports have been corroborated by the verbal statements of individuals of good repute personally cognizant of the facts by them

stated, that there exists in the counties of Limestone and Freestone in said State a combination of lawless men, claiming themselves to consist of several thousand persons organized as an insurrectionary force, too strong for the control of the civil authorities of said counties, which has murdered an unarmed and unoffending citizen in his own house; the individuals, composing which, carry pistols and other weapons prohibited to be worn on the person by law, have discharged firearms in public places, and have by threats, violence and organized force intimidated and controlled the civil officers of Limestone county, so as to prevent them from discharging their respective duties, who have precluded the holding a fair election in said last named county, and who even presume to place picket guards upon the public highways, arrest and detain as prisoners, citizens of the State, and stop the coaches carrying the United States mails, and interrogate in an inquisitorial and menacing manner the passengers therein, and to cut the telegraph wires to prevent communication with the seat of government, which insurrectionary force exists as an armed and organized body contrary to law, and is too numerous to be arrested and held by the civil authorities and to be tried by the district courts;

Now, therefore I, Edmund J. Davis, Governor of the State of Texas, by virtue of the authority in me vested by the Constitution and laws of said State, do hereby declare and proclaim martial law in said counties of Limestone and Freestone, and do order that the laws be suspended therein, and that the issuance of the writ of *habeas corpus* within or directed to said counties or to either of them be prohibited until the Legislature now in session shall take such action as it may deem necessary, and until this proclamation is revoked.

An assessment of fifty thousand dollars, or so much thereof as may be necessary, being hereby directed to be levied and collected off the property subject to taxation of the resident citizens of said county of Limestone, where said combination originated, to be applied in accordance with chapter thirty-two of the General Laws of the Twelfth Legislature of the State of Texas, first session, 1871.

In testimony whereof I have hereunto signed my name and have
 caused the great seal of the State to be affixed, at the
 : SEAL. : city of Austin, this ninth day of October, A. D. 1871,
 and of the independence of Texas the thirty-sixth.

EDMUND J. DAVIS, Governor.

By the Governor:

JAMES P. NEWCOMB, Secretary of State.

Message read.

Reading of journal of yesterday resumed.

Journal of yesterday read and adopted.

President Campbell announced that he had received a telegram from Senator Tendick, stating that, on account of illness in his family, he would be unable to be present until Friday.

On motion of Senator Ruby, Senator Tendick was excused from attendance until Friday.

BILLS ON THIRD READING.

House bill No. 282, "An act to authorize Robert Holmes and others to construct a boom across the Brazos river." Read third time, and on motion of Senator Ford passed.

On motion of Senator Broughton, the rules were suspended to take from file House bill No. 733, "An act to incorporate Edom Academy, in Cook county, Texas." Read first time and passed to a second reading.

On motion of Senator Broughton, the rules were further suspended and the bill read second time and passed to a third reading.

On motion of Senator Cole, the rules were further suspended and House bill No. 733 read third time and passed.

On motion of Senator Cole, the rules were suspended to take from file House bill No. 723, "An act to amend 'an act to prohibit the sale of spirituous, vinous or other intoxicating liquors within five miles of the public square, in the town of Alvarado, Johnson county, Texas,' approved November 10, 1866." Read first time and passed to a second reading.

On motion of Senator Saylor, the rules were further suspended and the bill read second time and passed to a third reading.

On motion of Senator Cole, the rules were further suspended and House bill No. 723 read third time and passed.

Senator Baker moved to suspend the rules to take from file House bill No. 249, "An act to incorporate the Galveston and New Orleans Railway Company." Lost.

Senator Dohoney moved to suspend the rules to take from file Senate bill No. 459 "An act providing for the payment of the outstanding indebtedness of the counties, passed July 21, 1870."

Senator Gaines moved a call of the Senate. Call sustained.

Absent, unexcused—Senators Fountain and Hertzberg.

The Sergeant-at-arms was despatched for the absentees.

Senator Hertzberg appeared and answered to his name.

Call suspended.

The question being upon the motion to suspend the rules to take up Senate bill No. 459, yeas and nays were called for and the motion to suspend the rules lost by the following vote :

Yeas—Bowers, Cole, Dohoney, Douglas, Evans, Pridgen, Pyle, Shannon—8.

Nays—Mr. President, Baker, Flanagan, Ford, Gaines, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Saylor—12.

On motion of Senator Shannon, the rules were suspended to take from file Senate bill No. 467, "An act to affirm the title to certain lands in Peters' Colony." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Shannon, the rules were further suspended, and Senate bill No. 467 was read the third time and passed.

On motion of Senator Ford, the rules were suspended to take from file Senate bill No. 473, "An act to incorporate the Texas Agricultural, Horticultural, Mechanical and Industrial Association of Waco." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Ford the rules were further suspended and Senate bill No. 473 read third time and passed.

On motion of Senator Flanagan the rules were suspended to take from file House bill No. 751 "An act to amend an act approved May 2, 1871, entitled 'an act to amend an act entitled an act to incorporate the Galveston City Railroad Company,' approved October 8, 1866." Read first time and passed to a third reading.

On motion of Senator Flanagan the rules were further suspended and the bill read second time and passed to a third reading.

On motion of Senator Ruby the rules were further suspended and House bill No. 751 read third time and passed.

On motion of Senator Hertzberg the rules were suspended to take from file House bill No. 777, "An act to amend an act entitled 'an act to provide for districting the State of Texas into judicial districts,' approved July 2, 1870." Read first time and passed to a second reading.

On motion of Senator Flanagan the rules were further suspended and the bill read second time and passed to a third reading.

On motion of Senator Ruby the rules were further suspended and House bill No. 777 read third time and passed.

MESSAGES.

Under direction of the President, the Secretary carried to the House, for signature of the Speaker, enrolled Senate bill No. 464, "An act to establish a ferry across the Big Brazos River, at or near the northwest corner of Robertson county, in the counties of Robertson and Falls." (Enrolled Senate bill No. 464 signed by the Speaker, in open session, and returned to the Senate.)

Also, informing the House that the Senate had passed, without amendments, House bills as follows:

House bill No. 288, "An act to authorize Robert Holmes and others to construct a boom across the Brazos River;" House bill No. 733, "An act to incorporate Edom Academy, in Cook county, Texas;" House bill No. 723, "An act to amend an act entitled 'an act to prohibit the sale of spirituous, vinous or other intoxicating liquors within five miles of the public square in the town of Alvarado, Johnson county, Texas,' approved November 10, 1866."

Message from the House by the Chief Clerk, Mr. Gallant, transmitting, for signature of the President, enrolled House bills as follows:

House bill No. 716, "An act to amend an act entitled 'an act to incorporate the San Antonio, Victoria, Indianola and New Orleans Express and Transportation Company,' approved May 19, 1871;" House bill No. 735, "An act supplemental to, and amendatory of an act entitled 'an act to incorporate the city of San Antonio, and grant a new charter to said city,' and to repeal an act entitled 'an act to incorporate the city of San Antonio,' approved July 17, 1856, and an act entitled 'an act to amend an act to incorporate the city of San Antonio,' approved February 11, 1860," approved August 13, 1870."

Enrolled House bills signed by the President, in open session, and returned to the House.

On motion of Senator Hertzberg, the rules were suspended to take from file House bill No. 778, "An act prescribing the times of holding the district courts in the Twenty-sixth Judicial District." Read first time and passed to a second reading.

On motion of Senator Douglas, the rules were further suspended and the bill read second time and passed to a third reading.

On motion of Senator Baker, the rules were further suspended and House bill No. 778 read third and passed.

[Senator Flanagan in the chair.]

By leave, Senator Douglas introduced the following resolution:

Resolved, That the message of His Excellency the Governor, announcing the proclamation of martial law in Limestone county, be referred to a select committee of three Senators, whose duty it shall be to inquire into the authority of the Governor in proclaiming martial law during the sitting of the Legislature, and to report upon the same.

Resolved, 2d, That it shall be the duty of said committee to inquire into the condition of affairs in Limestone county; that said committee shall be authorized to send for persons and papers, and if necessary to proceed to said county in pursuit of such inquiries.

Senator Mills moved to refer the resolution to the Committee on State Affairs. Yeas and nays called for, and motion carried by the following vote :

Yeas—Mr. President, Baker, Flanagan, Ford, Gaines, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor—13.

Nays—Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Latimer, Pyle—8.

Senator Pettit moved a suspension of the rules to take from file Senate bill No. 479, "An act supplementary to 'an act to provide for the payment of the public debt of the State of Texas,' approved May 2, 1871."

Yeas and nays called for and motion to suspend the rules lost by the following vote :

Yeas—Mr. President, Baker, Flanagan, Ford, Gaines, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Saylor—12.

Nays—Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Latimer, Pyle—8.

On motion of Senator Saylor the rules were suspended to take from file Senate bill No. 439, "An act to exempt certain persons from serving on juries." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Saylor the rules were further suspended and Senate bill No. 439 was read third time and passed.

Senator Pridgen submitted the following report of the Committee on Enrolled Bills :

COMMITTEE ROOM,
Austin, Oct. 19, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Enrolled Bills have examined and find correctly enrolled Senate bill No. 464, entitled "An act to establish a ferry across the Big Brazos river at or near the northwest corner of Robertson county, in the counties of Robertson and Falls," and to-day at 12 o'clock M. presented the same to the Governor for his approval.

B. J. PRIDGEN, Chairman.

Report read and received.

On motion of Senator Baker the rules were suspended to take from file House bill No. 763 "An act to prohibit the sale of intoxicating liquors to persons within the scholastic age in the State of Texas." Read first time and passed to a second reading.

On motion of Senator Baker the rules were further suspended and House bill No. 763 was read a second time and passed to a third reading.

On motion of Senator Baker the rules were further suspended and House bill No. 763 read third time and passed.

Senator Gaines moved that the Senate take a recess for five minutes to go into Executive session. Motion lost.

Senator Parsons moved that the Senate stand adjourned to 10:30 A. M. to-morrow. Motion lost.

Senator Dohoney moved to suspend the rules to take from file Senate bill No. 459, an act to be entitled "An act to repeal 'an act providing for the payment of the outstanding indebtedness of the counties,' passed July 2, 1870."

Senator Gaines moved to adjourn until 10:30 A. M. to-morrow. Carried.

So the Senate, at 12 M., adjourned until 10:30 A. M. to-morrow.

TWENTY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Wednesday, Oct. 11, 1871. }

Senate met pursuant to adjournment. President Campbell presiding. Roll called. Quorum present.

Absent—Senators Fountain, Pridgen and Saylor.

Absent, excused—Senators Hall and Pickett.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Judiciary :

COMMITTEE ROOM, }
Austin, Oct. 11, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 460, entitled "An act to provide for and regulate mechanics, contractors, builders and other liens in the State of Texas," instruct me to report the same back and recommend its passage with accompanying amendment.

Respectfully,

W. H. PARSONS, Chairman.

Amend by striking out section five.

Report read and laid over under the rules.